

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TOD KEVIN HOUTHOOFD,

Petitioner,

Civil No. 22-cv-11123

Hon. Matthew F. Leitman

v.

FREDEANE ARTIS,

Respondent.

/

**ORDER (1) DISMISSING CERTAIN CLAIMS RAISED IN PETITION FOR
A WRIT OF HABEAS CORPUS, (2) DIRECTING RESPONDENT TO FILE
AN ANSWER AND ANY ADDITIONAL RULE 5 MATERIALS, AND
(3) SETTING DEADLINE FOR PETITIONER TO FILE A REPLY BRIEF**

Petitioner Tod Kevin Houthoofd is a state inmate in the custody of the Michigan Department of Corrections. On May 18, 2022, through counsel, Houthoofd filed a petition for writ of habeas corpus in this Court pursuant to 28 U.S.C. § 2254. (*See* Pet., ECF No. 1.) In the petition, Houthoofd seeks relief from his convictions of solicitation to commit murder in violation of Mich. Comp. Laws § 750.157b, witness intimidation in violation of Mich. Comp. Laws § 750.122, and obtaining property valued over \$100 by false pretenses in violation of Mich. Comp. Laws § 750.218. (*See id.*)

Respondent filed a motion to dismiss the petition on the ground that the petition contained several claims that had not been properly exhausted with the state

courts. (*See* Mot., ECF No. 10.) In lieu of dismissing the petition, this Court's predecessor, Judge Robert H. Cleland, denied Respondent's motion without prejudice and provided Houthoofd two options: (1) dismiss the unexhausted claims and proceed with the remainder of the petition or (2) return to the state courts to exhaust his unexhausted claims. (*See* Order, ECF No. 24.)

Houthoofd filed a response to Judge Cleland's order on October 30, 2023. (*See* Resp., ECF No. 25.) Houthoofd did not concede that any of his claims were unexhausted. Nonetheless, he asked the Court to dismiss from his petition the claims identified as unexhausted in Judge Cleland's order so that the Court could consider his remaining, exhausted claims. More specifically, Houthoofd asked the Court to dismiss the following claims from his petition: Claim I(g); Claim II(a), Claim II(b), Claim IV(b), Claim IV(g), and Claim(j).

Houthoofd's request to dismiss those claims from his petition is **GRANTED**. Respondent shall file an answer to Houthoofd's remaining claims and provide the Court any additional Rule 5 materials that have not previously been filed in this case by no later than **March 11, 2024**. Houthoofd shall file a reply brief by no later than **April 29, 2024**.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: November 9, 2023

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on November 9, 2023, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

(313) 234-5126